



KATHLEEN M. RICE  
DISTRICT ATTORNEY

OFFICE OF  
THE DISTRICT ATTORNEY  
NASSAU COUNTY

October 2, 2013

Honorable Andrew Cuomo  
Office of the Governor  
New York State Capitol Building  
Albany, NY 12224

Dear Governor Cuomo:

I am writing to applaud your administration's efforts to make New York roads safer for families on Long Island and across the state. Recent improvements to state law introduced by your office increasing penalties for texting while driving will absolutely save innocent lives in our state.

As you are undoubtedly aware, texting while driving is now the leading cause of death for teen drivers – surpassing even drunk driving. Nationally, more than 3,000 teens will die each year in crashes stemming from texting while driving if our laws and education programs fail to keep up with the times.

You have been a leader in our state in acting to change behavior on the roads and to better protect innocent motorists from texting drivers. Now, with a new legislative session approaching, I am asking that our offices work together to make New York an even tougher, *national* leader in combating this deadly epidemic.

We have an opportunity in New York to become a model for how to address this growing national problem. As the president of the District Attorneys Association of the State of New York, I look forward to partnering our state's prosecutors with your administration's extraordinary work in this arena. As the district attorney of Nassau County, I am more than willing to offer my jurisdiction for a new anti-texting-while-driving pilot and educational efforts that, if successful, can be replicated across the state and country.

In addition to coming up with new, innovative policy and enforcement strategies to address texting while driving, there are also three things that New York can do right now to reduce texting by motorists. For instance:

- **New York's improved texting-while-driving laws should include restrictions for motorists stopped at lights or stationary in traffic.** They currently do not. This loophole severely undermines our efforts to instill an awareness in drivers that at no time is it safe to text while operating a motor vehicle. Additionally, this legislative oversight has barred New York from receiving federal traffic safety grants that we could sorely use.

- **The state criminal code's vehicular assault statutes should be reformed to include specific texting-while-driving provisions.** Without this important change, prosecutors and the courts must attempt to apply reckless and negligence-based charges to these instances – a tough task that will almost certainly lead to instances in which our legal system will fall short of providing victims and communities with the justice and safety they deserve.

- **New York police departments should enact uniform policies and procedures that encourage and guide investigators in their efforts to obtain cell phone information from those involved in fatal automobile crashes.** Departmental procedures under these circumstances vary widely across the state and your administration and directorship of the New York State Police could play a valuable role in improving and standardizing how and when this information is collected and utilized by law enforcement.

Thank you for your bold leadership in making New York roads safer. Please let me know how you believe we can partner to build on this success, with the goal of making New York a national model for how to address the dangers of texting while driving.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kathleen M. Rice', with a stylized, flowing script.

Kathleen M. Rice  
Nassau County District Attorney